fendant in the principal case, therefore, could clearly have been made to produce these books, even without the statute; but according to a literal interpretation of the statute he would be protected in so doing. But the purpose of the legislature in enacting the statute was not to give needless immunity to criminals, but to obtain evidence formerly unattainable. The court's interpretation that the immunity is only coextensive with the former privilege gives complete effect to the intent of Congress.

BOOK REVIEWS.

THE LAW OF QUASI CONTRACTS. By Frederic C. Woodward. Boston: Little, Brown, and Company. 1913. pp. lxi, 498.

Within recent years the subject of quasi-contracts has received an increasing amount of attention. It has been taught in more than a score of law schools, and the work of instruction and investigation has been noticeably stimulated by the excellent case-books of Professor Scott and Professor Woodruff. Law writers and teachers have generally accepted the analysis and classification first made by Professor Ames, and it is gratifying to find that not a few decisions indicate a growing disposition on the part of courts to give recognition to these general principles instead of merely relying on a precedent dealing with the particular situation.

It is twenty years since the well-known treatise of Professor Keener appeared. This pioneer book has unusual merits, and was immediately accepted as an authority. But its very merits have probably discouraged for an unduly long period any attempt to write a second book on the subject which would incorporate the results of recent decisions as well as the contributions which have been made by writers of articles on special topics in various law periodicals.

Professor Woodward's book has, therefore, the initial advantage of being a timely book. The book has, however, more substantial claims to favorable consideration. The author has confined his treatment to those obligations arising upon the receipt of a benefit the retention of which is unjust. The real problem is to ascertain to what extent this obviously vague generalization is entrenched in the law and to define its limits; and accordingly the author has wisely devoted the greater part of the book to a critical examination of the circumstances under which the benefit is received or retained. This classification and order of arrangement are conducive to precision of thought and will probably be found helpful to the student.

It is needless to state that differences of opinion will probably always continue to exist with respect to such unsettled questions as change of position as a defense and the doctrine of Price *v.* Neal.[1] It is nevertheless a service to summarize the points of strength and weakness of the several theories and to indicate the existing state of the authorities. In this task the author has succeeded admirably.

In a book dealing with a subject of such moderate compass it would have been fitting to have included a discussion of some topics to which the author has not referred. Thus, for example, there is no mention of the possibility of an interesting development in the law whereby a minor may, under some circumstances, be held in quasi-contract for non-necessaries supplied to him. A recovery in quasi-contract was allowed in Hall *v.* Butterfield.[2]

The author has done his work carefully and thoroughly. His book cannot

[1] 3 Burr. 1354.

[2] 59 N. H. 354.

fail to be of real assistance to all students of the law. A very full index and the citation of many recent cases will make it equally serviceable to the practitioner. L. F. S.

A HISTORY OF FRENCH PRIVATE LAW. By Jean Brissaud. Translated from the second French Edition by Rapelje Howell, with Introductions by W. S. Holdsworth and John H. Wigmore. Boston: Little, Brown, and Company. 1912. pp. xlviii, 922.

This, the second volume published in The Continental Legal History Series, is volume two of Professor Brissaud's complete work. Volume one, which deals with the history of French public law, will be published as volume nine of the series. The introductory chapter on Primitive Law has, however, been transferred from the latter volume to this.

After the introductions by Dean Wigmore and Professor Holdsworth, nothing remains to be said as to the position occupied by Professor Brissaud's work among the many histories of French law. For depth of scholarship and for the wideness of the field covered, it is not surpassed by any, and its value to the student of Anglo-American law is increased many times by the constant references to English books of authority. French legal history, if for no other reason than because of the light it tends to throw upon the beginnings of our own law, ought to be of the greatest interest and importance to us. But apart from this, Professor Brissaud's history has a value for us. His painstaking and careful working out of doctrines and institutions, which, so far as the law of northern France is concerned, have in their origins many things in common with those of English law, but which now have become widely different, cannot but help to overcome, what Professor Holdsworth in his introduction calls "a complacent, and, may we add, an uninformed belief, in the excellencies of our own private law." The excellencies of the common law, no one who is not ignorant will care to deny, but there is nothing more petrifying in its effect upon the development of our law than the belief, formerly more widely held than now, that the common law is the final word in juristic science. Professor Brissaud's history, with its great wealth of detail and its profound scholarship, ought to convince any who may still hold such views, that no system of law, however perfect, is a finality.

Professor Brissaud has considered his subject matter by topics and not by periods, and a chapter is devoted to each of the following: The Family, Ownership and Real Rights, Obligations, Interstate Succession and Gratuitous Conveyances, System of Property between Spouses, Status and Capacity of Persons.

The translation seems well done, though there are awkward constructions here and there and some errors, probably those of the printer. The use of "*statu quo*," in the nominative and objective cases, as on pages 319 and 333, can hardly be defended. E. R. J.

GESCHICHTE DER QUELLEN UND LITTERATUR DES ROEMISCHEN RECHTS. By Paul Krueger. Second Edition. Munich and Leipzig: Duncker and Humblot. 1912. pp. x, 444.

This second edition of Professor Krueger's monumental work will be warmly welcomed and eagerly read by all interested in the history of the sources and literature of Roman law, for it contains the results of the most recent discoveries in archæology bearing upon the subject. The chief value of this second edition lies indeed in the additions made in consequence of these new discoveries of source-material rather than in the few changes here and there found